

IT IS THE VENDOR'S RESPONSIBILITY TO CHECK FOR ADDENDUMS PRIOR TO SUBMITTING PROPOSALS

REQUEST FOR PROPOSALS

SPECIFICATION NO. 03-249

The City of Lincoln, Nebraska intends to contract for and invites you to submit a sealed proposal for professional engineering services related to the project listed and described below:

DESIGN SERVICES FOR PRELIMINARY ROUTING AND FINAL DESIGN OF STEVEN'S CREEK BASIN TRUNK SEWER - PHASES I - IV FOR THE LINCOLN WASTEWATER SYSTEM

Sealed proposals will be received by the City of Lincoln, Nebraska on or before 12:00 noon, Wednesday, October 1, 2003, in the office of the Purchasing Agent, Room Suite 200, K Street Complex, Southwest Wing, 440 South 8th Street, Lincoln, Nebraska, 68508. Proposals will be publicly opened, reading only the names of those submitting proposals at the 'K' Street Complex.

A copy of the request for proposal may be obtained from the Purchasing Division Web Site at:

<http://www.ci.lincoln.ne.us/city/finance/purch/index.htm>
under Bidding Opportunities and Awards

All communications relative to this work prior to the opening of the proposals shall be directed in writing to the Project Selection Committee Chair, Gary Brandt, Utilities Coordinator, fax: 402-441-8735 or email gbrandt@ci.lincoln.ne.us and cc: Mary Matson, Purchasing Department, fax: 402-441-6513 or email at mmatson@ci.lincoln.ne.us

Submitter should take caution if U.S. mail or mail delivery services are used for the submission of proposals. Mailing should be made in sufficient time for proposals to arrive in the Purchasing Division prior to the time and date specified above.

**REQUEST FOR PROPOSALS
SPECIFICATION NO. 03-249**

**DESIGN SERVICES FOR
PRELIMINARY ROUTING AND FINAL DESIGN OF
STEVEN'S CREEK BASIN TRUNK SEWER - PHASES I - IV
FOR THE
LINCOLN WASTEWATER SYSTEM**

1. PURPOSE AND INTENT

- 1.1 In general, the City intends to retain a professional engineering firm to provide normal and customary basic engineering design services for preliminary routing and final design services for construction of a new trunk sewer system to service the Stevens Creek Basin as described hereinafter.
- 1.2 The general requirements and intent of the Stevens Creek Relief Sewer are to:
 - 1.2.1 Review and evaluate the preliminary routing, sizing, alternatives and conclusions of the previous preliminary design as described and provided in the Wastewater Facilities Plan Update dated April, 2003.
 - 1.2.2 The preliminary phases for the trunk sewer are tentatively described as follows:
 - 1.2.2.1 Phase I - Northeast Treatment Plant Headworks to approx. Nebr. Hwy #6 & Stevens Creek
 - 1.2.2.2 Phase II - Hwy #6 to Havelock Ave & Stevens Creek
 - 1.2.2.3 Phase III - Havelock Ave. to approx. Leighton Ave. & Stevens Creek
 - 1.2.2.4 Phase IV - Sub-basin sewer extending from Leighton Ave. to approx. South 86th & East 'O' St.
 - 1.2.2.5 Remaining phases of trunk sewer extending to the upper portions of the basin.
 - 1.2.3 Perform preliminary routing, ROW and easement descriptions, and preliminary design engineering as described in this RFP for the following:
 - 1.2.3.1 Phases I thru III beginning at the Northeast Treatment plant headwords and extending along the west side of the creek to approximately Leighton Ave. & Stevens Creek.
 - 1.2.3.2 Phase IV subbasin trunk extending from the end of Phase III to approx. South 86th & 'O' St.
 - 1.2.3.3 Additional preliminary routes ,not including detailed ROW or easement descriptions but including preliminary survey and profile for future phases from the end of Phase III, near Leighton Ave., south to the upper west side portions of the basin near Yankee Hill road shall be also be provided by the selected consultant for Phase I.
 - 1.2.4 The preliminary sizes for the trunk sewer range from 102" to 36" in diameter at the upper end of the basin and from 36" to 18" in diameter in the Phase IV sub-basin trunk sewer.
 - 1.2.5 Provide a final design including bidding assistance services for construction of Phase I of the relief trunk from the Northeast Treatment facility headworks to approx. Hwy #6 & Stevens Creek .
 - 1.2.6 Final detailed routing, written ROW and easement descriptions, sizing, profile and grades will be required for Phase I and additional phases as determined by the City and within established budgetary limits.
 - 1.2.7 Identify, develop any additional phasing plans and schedules for Phases II thru IV to: meet specific scheduling requirements; to minimize disruption to the community and traveling public; and, to meet approved funding and budgetary levels.

- 1.3 The contract or contracts for services would be as follows.
 - 1.3.1 Preliminary routing and design services for the total length of the trunk sewer to serve the west side of the basin and Final Design and bidding assistance phase services for Phase I.
 - 1.3.2 Separate contracts for Final Design for Phases II thru IV .
 - 1.3.3 The City reserves the right to select one or more than one firm for the described work for Phases II thru IV.
 - 1.3.4 Future Projects and Services
 - 1.3.4.1 Based on the performance of the selected firm or firms for the initial design's for the noted projects, the City reserves the right to negotiate with the selected firm or firms for further design, bidding assistance and construction phase services for any Phase of the Trunk Sewer.
 - 1.3.4.2 It is assumed that the fees submitted for the initial phases of the described projects will be in line for the remaining work on the various initially described phases.
 - 1.3.5 The final number of separate above noted contracts and services to be contracted for are dependent upon the approval of the proposed FY 03-04 CIP program and resultant available funding levels.

2.0 **GENERAL AND BACKGROUND**

- 2.1 The need for the Steven's Creek Trunk Sewer was identified in the Lincoln Wastewater System's Facilities Plan Update and City's Comprehensive Plan Updates that were recently completed in 2003.
- 2.2 In general, the Facilities Plan Update outlined treatment and transportation improvements needed for the 10, 25 and 50 year planning periods.
- 2.3 This proposed Trunk Sewer is planned to be constructed in phases, beginning at the Northeast Treatment Facility and progressing toward the upper parts of the Basin.
- 2.4 The Facility Plan indicated that the lower portion of the trunk sewer would be sized to serve the total drainage basin area (both sides) and the "west side" of the basin would be the initial area to be developed and serviced.
 - 2.4.1 Figure from the Wastewater Facilities Plan shows schematics of the above noted alternatives and are included in this RFP for reference.
 - 2.4.2 Concurrently with the implementation of the Stevens Creek Trunk Sewer, the Facilities Plan also described treatment facility capacity improvements that would be needed at the Northeast Treatment Facility to meet the growth in the basins served by the treatment facility

3.0 **AVAILABLE INFORMATION**

- 3.1 Previous reports, studies, records, and other pertinent informational documents relating to this Project are available for review.
- 3.2 The information is available for review at the offices of the Lincoln Wastewater System, 2400 Theresa Street, Lincoln, Nebraska.
- 3.3 Copies may be furnished for the cost of reproduction, handling, and mailing unless otherwise noted below.
- 3.4 Contact the Project Selection Committee Chair to review or obtain copies.
- 3.5 The following is a selected list of the most applicable documents.
 - 3.5.1 "Lincoln Wastewater System Facilities Plan Update", April 2003, Brown and Caldwell, Montgomery - Watson - Harza and the Lincoln Wastewater System, including supporting calculations. One copy of this report is available to each firm and can be provided in CD format upon request.

- 3.5.2 City of Lincoln-Lancaster County "Comprehensive Plan", 2003 which is available on Lincoln's web site at: <http://interlinc.ci.lincoln.ne.us/city/plan/complan/2025/index.htm>
- 3.5.3 Latest edition of "Capital Improvement Program, Currently approved FY 2003-2009", for Department of Public Utilities, Wastewater Division, City of Lincoln, 2003, which is available on Lincoln's web site at:
<http://interlinc.ci.lincoln.ne.us/city/plan/capital/03-2009/index.htm>
- 3.5.4 Pertinent operational and construction documents, drawings, reports, etc. for the various elements and structures for the Northeast Treatment Facility.

4.0 **PRELIMINARY DESIGN AND ROUTING EVALUATION SERVICES**

- 4.1 Initially meet with City project team to review the scope of required services, design criteria and expectations, obtain background information, and establish tentative schedule for completion.
- 4.2 Prepare a preliminary design memorandum which defines in detail the Consultant's and City's mutually agreed understanding of project scope, objectives and scheduled including budgetary information.
 - 4.2.1. Meet with City staff to review the memorandum for each project.
- 4.3 Review related and pertinent project information including previous studies, Wastewater Facilities Plan Update, previous preliminary routing and designs, project correspondence and other related information.
- 4.4 Coordinate and meet with City project team, City's design consultant for the Northeast Treatment Plant improvements and affected property owners/representatives along the proposed route of the sewer to review the tentative scope of the project, constraints, routing, and special concerns regarding overall project and service in the Basin.
- 4.5 Perform necessary field investigations, review of existing and previous construction, and related data collection including performing preliminary topographic and geo-technical surveys along general corridor of proposed route, developing profile for sewer, identifying potential surface and underground conflicts, and determining any impacts to feasible and practical alternatives for construction of the Trunk Sewer System.
- 4.6 Perform hydraulic calculations and evaluations to verify and determine sizes of proposed Trunk Sewer for the lower portion and the West Side system required to transport future estimated flows and develop resultant computerized hydraulic flow models, including flow and resultant profiles for the proposed Trunk Sewer system.
- 4.7 Perform preliminary designs and evaluations to determine the most cost effective, feasible alternatives for the preliminary proposed route shown in Figures 8.1, 8.2 and 9.1 of the Facilities Plan and other suggested routes, including:
 - 4.7.1 Preparing and evaluating preliminary alignments, profile sketches and drawings.
 - 4.7.2 Preparing and evaluating preliminary designs for connection of the relief sewer to the headworks or incoming sewers at the Northeast Treatment Facility including coordinating with the City's design consultant for the current treatment plant improvements and considering proposed future treatment plant improvements as described in the Wastewater Facilities Plan Update.
 - 4.7.3 Providing cost evaluations and total project estimates for the alternatives.
 - 4.7.4 Providing final phasing, project schedules and related funding schedule including possible alternative phasing and scheduling plans to accelerate the current 6-7year implementation schedule shown in the current CIP for Phases I thru IV to approximately 3 or 4 yrs.
- 4.8 Prepare a report with executive summary summarizing the preliminary design and routing findings, evaluation of alternatives, conclusions, alternative phasing and implementation plans, alignment and profile drawings, computerized hydraulic flow model calculations, etc. and recommendation for the most feasible alternative for final design for Phase I - IV and future phases for construction.
 - 4.8.1 Final design and routing of the described Phases must be compatible with future improvements for the remainder of the Trunk Sewer system beyond Phase IV.

- 4.9 Submit five (5) printed copies of the final report for review and one computerized copy in word processing file format acceptable to the City.
- 4.10 Meet with City project team to review and present preliminary report and recommended alternative for construction of Phases I thru IV.

5.0 **FINAL DESIGN AND BIDDING ASSISTANCE SERVICES FOR PHASES I THRU IV OF THE TRUNK SEWER**

- 5.1 Based on the selected alternative route, prepare final design memorandum for Phase I construction (and Phases II thru IV if selected by the City) including: meeting with City project team, final design parameters and plan sketches, phasing, time schedules for completing design work, and revised estimates of total project cost for the selected alternative.
- 5.2 Coordinate and meet with City project team, City's design consultant for the Northeast Treatment Facility and affected property owners/representatives to review proposed project and obtain pertinent information, data, etc., as necessary for completion of an acceptable final design memorandum.
- 5.3 Submit five (5) printed copies of final design memorandum and meet with City project team and other representatives to present and review memorandum.
- 5.4 Perform necessary detailed topographic surveys, geo - technical investigations, and evaluations along the route as required for final design.
- 5.5 Prepare and write permanent and temporary easement descriptions for routing to provide for use in acquiring necessary rights-of-ways and easements for contracting, including performing necessary field topographic surveys, legal investigations, and other studies as necessary for use by the City.
- 5.6 Perform hydraulic calculations and evaluations to verify and determine sizes of proposed Relief Trunk Sewers required to transport future estimated flows.
- 5.7 Prepare all applications for Federal, State, and local permits for construction, including highways, railroads, 404 permits, storm water permits, etc. where required and insure that all designs and data provided are sufficient for City to submit and to receive such permits or agreements.
- 5.8 Meet with City project team and other representatives at 10 %, 30%, 70%, and 90% design completion stages to review progress and status of design, including updated estimates of construction cost.
- 5.9 Coordinating field plan-in-hand review of final design with City project team and other representatives.
- 5.10 Prepare and submit detailed final design drawings, technical specifications, and contract documents for bidding and construction, including estimates of construction and total project costs.
- 5.11 Final design documents shall be prepared in computerized word processing and CAD file formats acceptable to the City.
- 5.12 Submit five (5) printed copies and one computerized filed copy of final design documents and meet with City project to present and review final design documents.
- 5.13 Assist City in obtaining bids for construction, including: reproducing construction documents and drawings, answering technical questions from prospective bidders, preparing necessary bid addenda, reviewing and evaluating bids received, and recommending award of contract for construction.

6.0 **OTHER SERVICES**

- 6.1 Other services, such as basic engineering and construction management services and detailed construction observation or inspection during the construction phase will be solely at the City's discretion.
- 6.2 Continuation of these services will be dependent upon the need and the design firms performance and willingness to negotiate a fair and reasonable contract for such additional work.

7.0 OWNER'S RESPONSIBILITIES

- 7.1 Designate project representative and City project team to coordinate work activities of City project team, Consultant, and other affected agencies.
- 7.2 Provide pertinent historical, current, and projected flow and growth data for use by interested firms.
- 7.3 Make all policy and budgetary decisions so as to allow timely completion of the work.
- 7.4 Supply pertinent existing drawings, records, and available information.
- 7.5 Supply all field books, survey, and diary books for recording data.
- 7.6 Coordinate work with other City agencies to incorporate designs into and update Wastewater Facilities Plan and Lincoln-Lancaster County Comprehensive Plan as required.
- 7.7 Coordinate, arrange, and conduct meetings with representatives of affected property owners along the selected routes as required for completing the work.
- 7.8 Perform and conduct all necessary negotiations for acquisition of land, property, right-of-way and easements required for the Project.
- 7.9 Conduct related advertising, bidding, and award process for the construction contract(s).

8.0 TENTATIVE PROJECT SCHEDULE

Begin Preliminary Design	Oct, 2003
Complete Preliminary Design& Route Evaluation For West Side	March, 2004
Complete Final Design - Phase I	Aug., 2004
Complete Final Design - Phases II thru IV	Sept., 2004
Receive Bids for Phase I	Oct. - Nov., 2004
Receive Bids for Phases II thru IV	To be determined

9.0 PROPOSAL CONTENTS AND EVALUATION CRITERIA

- 9.1 Describe and outline the **Firm's Approach** to performing the work required by this project. Include implementation plan describing project phases, key work elements to meet critical project dates, and a recommended schedule of meetings to provide for timely input by City project team.
- 9.2 Outline the **Proposed Project Schedule** to meet the project schedules previously outlined in the RFP.
 - 9.2.1 Provisions for meaningful input from City project team during the routing and preliminary and final design phases of various portions of the project are essential and shall be addressed.
- 9.3 Delineate the **Project Team** and Organization for this project.
 - 9.3.1 Include names of key individuals to be assigned to, and work directly on, the project.
 - 9.3.2 Describe specific areas and limits of responsibilities for each of the team members and proposed sub-consultants to be utilized.
 - 9.3.3 Include a project team organizational chart showing lines of responsibility and extent of involvement for sub-consultants.
 - 9.3.4 Include resumes for project team members, key individuals, and sub-consultants.
- 9.4 Describe the **Ability of the Firm** to Meet the Intent of Required Services Outlined in this RFP, including:
 - 9.4.1 Time availability of team members to meet the tentative project schedule.
 - 9.4.2 Quality Assurance and Quality Control (QA/QC) review procedures to be utilized on this project.
 - 9.4.3 Cost estimating and cost control procedures used by firm on similar projects.
 - 9.4.4 A statement of general qualifications and background experience of the firm and project team members, including sub-consultants in this type of project and work.
 - 9.4.5 A statement of general qualification and background experience of the firm and project team members, including sub-consultants in this type of project and work.
 - 9.4.5.1 A comparison to similar projects of similar size, capacity and dollar amount.
 - 9.4.6 Listing of types of anticipated assistance that may be required from Owner.

- 9.4.7 Submit **four contacts** of former clients (to include contact person, title, and telephone number) for which your firm was engaged with the past five (5) years to perform similar services as described herein.
- 9.4.8 Proposals shall be on plain white paper, black ink, 24 single sided pages or 12 double-sided, stapled in the upper left corner. This does not include cover letter and resumes.

10. **EVALUATION CRITERIA**

- 10.1 Understanding of the requirements of this project.
- 10.2 Relevance and suitability of the project approach and schedule to meet the needs of the City.
- 10.3 Qualifications and expertise of the key personnel to be assigned to this project.
- 10.4 Background experience of the firm and the project team as it directly relates to this project.
- 10.5 Record of past performance on similar projects.
- 10.6 Comments and opinions provided by references.
- 10.7 Quality and cost control procedures to be used on this project.
 - 10.7.1 Identify personnel responsible for these controls.
- 10.8 Resources of the firm to conduct and complete this project in a satisfactory manner.
 - 10.8.1 Factors to be considered include: current work load (including current work with the City); schedule for completion; and, ability and willingness to commit the key personnel to complete the projects by the scheduled dates outlined in this RFP.
- 10.9 Clarity, conciseness, and organization of proposal.
- 10.10 NOTE: Proposals will be reviewed, evaluated and ranked (e.g.: 1,2,3) in accordance with the City's selection process and procedure.

11. **SUBMITTAL PROCEDURES**

- 11.1 Submit six (6) copies (one (1) original and five (5) copies) of your proposal to Mr. Vince M. Mejer, CPPO, C.P.M., Purchasing Agent, City of Lincoln, K Street Complex, Suite 200, 440 South 8 Street, Lincoln, Nebraska, 68508, **no later than the date and time stated in the Request for Proposals.**
- 11.2 Mark the outside of the container with the Project number and name. Proposal must be submitted in a sealed envelope.

12. **CONTACTS**

- 12.1 Contact regarding the request for proposal or any questions shall be made in writing only with the Project Selection Committee Chair, Mr. Gary Brandt, Utilities Coordinator, Lincoln Wastewater System at: fax: 402-441-8735 or email at gbrandt@ci.lincoln.ne.us and cc: [Mary Matson, Purchasing Department, fax: 402-441-6513 or email at mmatson@ci.lincoln.ne.us](mailto:Mary.Matson@ci.lincoln.ne.us)
- 12.2 Any follow-up conversations with City project team will be directed by the Chair, if appropriate.
- 12.3 Any addendas to written questions or clarifications directed to the Chair will be sent out by the City's Purchasing Division and is available on the City of Lincoln's website at www.ci.lincoln.ne.us/city/finance/purch/index.htm
- 12.4 Verbal responses and/or representations shall not be binding to the City.

13. **ESTIMATED FEES**

- 13.1 The City will rank the proposals based on the criteria outlined in the RFP and determine a short list.
- 13.2 The firms selected for oral presentations will be notified and a preliminary scoping meeting will be arranged.
- 13.3 After the scoping meeting, the selected firms will be asked to prepare a fee schedule based on the decisions and submit it at the oral presentation in a sealed envelope.
- 13.4 The fee schedule may be used in case of a tie in the ranking of the top firm after the oral presentations.
- 13.5 If the City is unable to arrive at a mutual agreement with the top ranked firm, the City retains the sole right to move on to negotiations with the second (then third, etc.) ranked firm.

14. INSURANCE

- 14.1 Successful firm shall obtain all insurance required and approved by the City Attorney for the City of Lincoln. Standard Certificate of Insurance requirements can be found on the City website at <http://interlinc.ci.lincoln.ne.us/city/finance/purch/ci.insur.htm>
- 14.2 All certificates of insurance shall be filed with the City of Lincoln on the standard Accord Certificate Of Insurance form showing the specific limits of insurance coverage required in Sections A,B,C,D, and showing the City of Lincoln as named additional insured.
 - 14.2.1 Such certificate shall specifically state that insurance policies are to be endorsed to require the insurer to provide the City of Lincoln thirty days notice of cancellation, non-renewal or any material reduction of insurance coverage.

INSTRUCTIONS TO PROPOSERS

CITY OF LINCOLN, NEBRASKA PURCHASING DIVISION

1. PROPOSAL PROCEDURE

- 1.1 Each RFP must be legibly printed in ink or by typewriter, include full name, business address, and telephone no. of the Proposer; and be signed in ink by the Proposer.
- 1.2 Response by a firm/organization other than a corporation must include the name and address of each member.
- 1.3 A response by a corporation must be signed in the name of such corporation by a duly authorized official thereof.
- 1.4 Any person signing a response for a firm, corporation, or other organization must show evidence of his authority so to bind such firm, corporation, or organization.
- 1.5 Proposals received after the time and date established for receiving offers will be rejected.

2. EQUAL OPPORTUNITY

- 2.1 Each proposer agrees that it shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, national origin, age, or marital status. In the employment of persons, proposer shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to race, color, religion, sex, disability, national origin, age, or marital status.

3. DATA PRIVACY

- 3.1 Proposer agrees to abide by all applicable State and Federal laws and regulations concerning the handling and disclosure of private and confidential information concerning individuals and corporations as to inventions, copyrights, patents and patent rights.
- 3.2 The proposer agrees to hold the City harmless from any claims resulting from the proposer's unlawful disclosure or use of private or confidential information.

4. PROPOSER'S REPRESENTATION

- 4.1 Each proposer by signing and submitting an offer, represents that he/she has read and understands the specification documents, and the offer has been made in accordance therewith.
- 4.2 Each offer for services further represents that the proposer is familiar with the local conditions under which the work will be done and has correlated the observations with the requirements of the RFP.
- 4.3 Proposer warrants and represents to the City that all software/firmware/hardware/equipment/systems developed, distributed, installed or programmed by Proposer pursuant to this Specification and Agreement.
 - 4.3.1 That all date recognition and processing by the software/firmware/hardware/equipment/system will include the four-digit-year format and will correctly recognize and process the date of February 29, and any related data, during Leap years; and

- 4.3.2 That all date sorting by the software/firmware/hardware/equipment/system that includes a "year category" shall be done based on the four-digit-year format. Upon being notified in writing by the City of the failure of any software/firmware/hardware/equipment/systems to comply with this Specification and Agreement, Contractor will, within 60 days and at no cost to the City, replace or correct the non-complying software/firmware/hardware/equipment/systems with software/firmware/hardware/equipment/systems that does comply with this Specification and Agreement.

5. INDEPENDENT PRICE DETERMINATION

- 5.1 By signing and submitting this RFP, the proposer certifies that the prices offered have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, with any other proposer competitor; unless otherwise required by law, the prices which have been quoted in this offer have not been knowingly disclosed by the proposer prior to RFP opening directly or indirectly to any other competitor; no attempt has been made, or will be made, by the proposer to induce any person or firm to submit, or not to submit, a response for the purpose of restricting competition.

6. SPECIFICATION CLARIFICATION

- 6.1 Proposers shall promptly notify the Purchasing Agent of any ambiguity, inconsistency or error which they may discover upon examination of specification documents.
- 6.2 Proposers desiring clarification or interpretation of the specification documents shall make a written request which must reach the Purchasing Agent at least seven (7) calendar days prior to date and time for response receipt.
- 6.3 Interpretations, corrections and changes made to the specification documents will be made by written addenda.
- 6.4 Oral interpretations/changes to Specification Documents made in any other manner, will not be binding on the City; proposers shall not rely upon oral interpretations.

7. ADDENDA

- 7.1 Addenda are written instruments issued by the City prior to the date for receipt of offers which modify or interpret the specification document by addition, deletion, clarification or correction.
- 7.2 Addenda will be mailed or delivered to all who are known by the City to have received a complete set of specification documents.
- 7.3 Copies of addenda will be made available for inspection at the office of the Purchasing Agent.

- 7.4 No addendum will be issued later than forty-eight (48) hours prior to the date and time for receipt of offers, except an addendum withdrawing the RFP, or addendum including postponement.
- 7.5 Proposers shall ascertain prior to submitting their offer that they have received all addenda issued, and they shall acknowledge receipt of addenda on the proposal form.

8. ANTI-LOBBYING PROVISION

- 8.1 During the period between the bid close date and the contract award, bidders, including their agents and representatives, shall not directly discuss or promote their bid with any member of the City Council or City Staff except in the course of City-sponsored inquiries, briefings, interviews, or presentations, unless requested by the City.

9. EVALUATION AND AWARD

- 9.1 The signed proposal shall be considered an offer on the part of the proposer. Such offer shall be deemed accepted upon issuance by the City of purchase orders, contract award notifications, or other contract documents appropriate to the work.
- 9.2 No offer shall be withdrawn for a period of ninety (90) calendar days after the time and date established for receiving offers, and each proposer agrees in submitting an offer.
- 9.3 In case of a discrepancy between the unit prices and their extensions, the unit prices shall govern.
- 9.4 The RFP process is designed to be a competitive negotiation platform, where price is not required to be the sole determinative factor; also the City has the flexibility to negotiate with a select firm or selected firms to arrive at a mutually agreeable relationship.
- 9.5 A committee will be assigned the task of reviewing the proposals received.
 - 9.5.1 The committee may request documentation from Proposer(s) of any information provided in their proposal response, or require the Proposer to clarify or expand qualification statements.
 - 9.5.2 The committee may also require a site visit and/or verbal interview with a Proposer or select group of Proposers to clarify and expand upon the proposal response.
- 9.6 The offer will be awarded to the lowest responsive, responsible proposer whose proposal will be most advantageous to the City, and as the City deem will best serve their requirements.
- 9.7 The City reserves the right to accept or reject any or all offers, parts of offers; request new proposals, waive irregularities and technicalities in offers; or to award the RFP on a split-order basis, or lump-sum basis; such as shall best serve the requirements and interests of the City.

10. INDEMNIFICATION

- 10.1 The proposer shall indemnify and hold harmless the City, its members, its officers and employees from and against all claims, damages, losses, and expenses,

including, but not limited to attorney's fees arising out of or resulting from the performance of the contract, provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property other than goods, materials and equipment furnished under this contract) including the loss of use resulting therefrom; is caused in whole or part by any negligent act or omission of the proposer, any subcontractor, or anyone directly or indirectly employed by any one of them or anyone for whose acts made by any of them may be liable, regardless of whether or not it is caused by a party indemnified hereunder.

- 10.2 In any and all claims against the City or any of its members, officers or employees by an employee of the proposer, any subcontractor, anyone directly or indirectly employed by any of them or by anyone for whose acts made by any of them may be liable, the indemnification obligation under paragraph 10.1 shall not be limited in any way by any limitation of the amount or type of damages, compensation or benefits payable by or for the proposer or any subcontractor under worker's or workmen's compensation acts, disability benefit acts or other employee benefit acts.

11. LAWS

- 11.1 The Laws of the State of Nebraska shall govern the rights, obligations, and remedies of the Parties under this proposal and any agreement reached as a result of this process.

12. AWARD

- 12.1 The RFP process is designed to be a competitive negotiation platform, where price is not required to be the sole determinative factor; also the City has the flexibility to negotiate with a selected firm or firms to arrive at a mutually agreeable relationship.
- 12.2 The City shall be the sole judge as to merits of the proposal, and the City's decision will be final.
- 12.3 A committee will be assigned by the Mayor with the task of reviewing the proposals received.
 - 12.3.1 The committee may request documentation from Proposer(s) of any information provided in their proposal response, or require the proposer to clarify or expand qualification statements.
 - 12.3.2 A short list of firms from proposals submitted may be selected for a presentation to the committee and ranked by committee members.
- 12.4 Final approval to enter into contract negotiations with the top ranked firm will be by the Mayor of the City of Lincoln.
- 12.5 The City shall not be liable for any expense incurred in connection with preparation of a response to this RFP.
- 12.6 The contract document shall incorporate by reference all requirements, terms and conditions of the solicitation, proposal received and all negotiated details.